

1 **SEC. ____ . CRITICAL ELECTRIC INFRASTRUCTURE.**

2 Part II of the Federal Power Act (16 U.S.C. 824 et
3 seq.) is amended by adding at the end the following:

4 **“SEC. 224. CRITICAL ELECTRIC INFRASTRUCTURE.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) CRITICAL ELECTRIC INFRASTRUCTURE.—

7 The term ‘critical electric infrastructure’ means sys-
8 tems and assets, whether physical or virtual, used
9 for the generation, transmission, or distribution of
10 electric energy affecting interstate commerce that, as
11 determined by the Commission or the Secretary (as
12 appropriate), are so vital to the United States that
13 the incapacity or destruction of the systems and as-
14 sets would have a debilitating impact on national se-
15 curity, national economic security, or national public
16 health or safety.

17 “(2) CRITICAL ELECTRIC INFRASTRUCTURE IN-
18 FORMATION.—The term ‘critical electric infrastruc-
19 ture information’ means critical infrastructure infor-
20 mation relating to critical electric infrastructure.

21 “(3) CRITICAL INFRASTRUCTURE INFORMA-
22 TION.—The term ‘critical infrastructure information’
23 has the meaning given the term in section 212 of the

1 Critical Infrastructure Information Act of 2002 (6
2 U.S.C. 131).

3 “(4) CYBER SECURITY THREAT.—The term
4 ‘cyber security threat’ means the imminent danger
5 of an act that disrupts, attempts to disrupt, or poses
6 a significant risk of disrupting the operation of pro-
7 grammable electronic devices or communications net-
8 works (including hardware, software, and data) es-
9 sential to the reliable operation of critical electric in-
10 frastructure.

11 “(5) CYBER SECURITY VULNERABILITY.—The
12 term ‘cyber security vulnerability’ means a weakness
13 or flaw in the design or operation of any program-
14 mable electronic device or communication network
15 that exposes critical electric infrastructure to a cyber
16 security threat.

17 “(6) SECRETARY.—The term ‘Secretary’ means
18 the Secretary of Energy.

19 “(b) AUTHORITY OF COMMISSION.—

20 “(1) IN GENERAL.—The Commission shall pro-
21 mulgate or issue such rules or orders as are nec-
22 essary to protect critical electric infrastructure from
23 cyber security vulnerabilities.

24 “(2) EXPEDITED PROCEDURES.—The Commis-
25 sion may promulgate or issue a rule or order without

1 prior notice or hearing if the Commission determines
2 the rule or order must be promulgated or issued im-
3 mediately to protect critical electric infrastructure
4 from a cyber security vulnerability.

5 “(c) EMERGENCY AUTHORITY OF SECRETARY.—

6 “(1) IN GENERAL.—If the Secretary determines
7 that immediate action is necessary to protect critical
8 electric infrastructure from a cyber security threat,
9 the Secretary may require, by order, with or without
10 notice, persons subject to the jurisdiction of the
11 Commission under this section to take such actions
12 as the Secretary determines will best avert or miti-
13 gate the cyber security threat.

14 “(2) COORDINATION WITH CANADA AND MEX-
15 ICO.—In exercising the authority granted under this
16 subsection, the Secretary is encouraged to consult
17 and coordinate with the appropriate officials in Can-
18 ada and Mexico responsible for the protection of
19 cyber security of the interconnected North American
20 electricity grid.

21 “(d) DURATION OF EXPEDITED OR EMERGENCY
22 RULES OR ORDERS.—Any rule or order promulgated or
23 issued by the Commission without prior notice or hearing
24 under subsection (b)(2) or any order issued by the Sec-
25 retary under subsection (c) shall remain effective for not

1 more than 90 days unless, during the 90 day-period, the
2 Commission—

3 “(1) gives interested persons an opportunity to
4 submit written data, views, or arguments (with or
5 without opportunity for oral presentation); and

6 “(2) affirms, amends, or repeals the rule or
7 order.

8 “(e) JURISDICTION.—

9 “(1) IN GENERAL.—Notwithstanding section
10 201, this section shall apply to any entity that owns,
11 controls, or operates critical electric infrastructure.

12 “(2) COVERED ENTITIES.—

13 “(A) IN GENERAL.—An entity described in
14 paragraph (1) shall be subject to the jurisdic-
15 tion of the Commission for purposes of—

16 “(i) carrying out this section; and

17 “(ii) applying the enforcement au-
18 thorities of this Act with respect to this
19 section.

20 “(B) JURISDICTION.—This subsection
21 shall not make an electric utility or any other
22 entity subject to the jurisdiction of the Commis-
23 sion for any other purpose.

24 “(f) PROTECTION OF CRITICAL ELECTRIC INFRA-
25 STRUCTURE INFORMATION.—Section 214 of the Critical

1 Infrastructure Information Act of 2002 (6 U.S.C. 133)
2 shall apply to critical electric infrastructure information
3 submitted to the Commission or the Secretary under this
4 section to the same extent as that section applies to crit-
5 ical infrastructure information voluntarily submitted to
6 the Department of Homeland Security under that Act (6
7 U.S.C. 131 et seq.).”.